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RemarksRejections Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-6 and 10-11 under 35 U.S.C. § 102(b) as anticipated by United States Patent number 6,032,214 issued to Farmwald et al (hereinafter referred to as Farmwald). The Applicants respectfully request careful consideration of the following arguments in support of the traversal of the Examiner's rejections under 35 U.S.C. § 102(b).

Claim 1 includes the limitations of "***the first value*** including a plurality of bits ***indicating a beginning of usage of the bus and an ending of the usage of the bus*** for the transaction in terms of clock cycles". (emphasis added) Claim 10 includes the limitations of "***a second value*** including a first plurality of bits for ***indicating a beginning of the first data on the bus and an ending of the first data on the bus*** in terms of the clock cycles". (emphasis added) On page 9 of the office action, the Examiner seems to assert that these limitations of claim 1 and claim 10 read upon column 9, lines 21-36 of Farmwald and column 12 line 56 through column 13 line 3 of Farmwald. The Applicants respectfully disagree.

Although the Examiner does not specifically so state, it seems that the Examiner is asserting that "the first value" of claim 1 and "the second value" of claim 10 read upon the byte of data included in "request packet 22" corresponding to element 23 in Figure 4 of Farmwald and that "indicating a beginning of usage of the bus" of claim 1 and "indicating a beginning of the first data on the bus" of claim 10 reads upon "Setting 23 AddrValid = 1 in an otherwise unused cycle indicates the start of an request packet" of column 9, lines 21-36 in Farmwald. However, ***there is no teaching or suggestion*** in this section of Farmwald ***that the byte of data corresponding to element 23 in Figure 4*** (that Examiner seems to be asserting is read upon by the recited limitations of claim 1 and claim 10) ***also*** indicates "***an ending of the usage of the bus***" (claim 1) or "***an ending of the first data on the bus***" (claim 10) as does "the first value" of claim 1 and "a second value" of claim 10. Furthermore, the Applicants could not locate any teaching in this section regarding "indicating . . . an ending of the usage of the bus" or "indicating . . . an ending of the first data on the bus". Therefore, this section of Farmwald does not teach or suggest ***all*** the limitations of claim 1 or claim 10.

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Column 12, line 56 through column 13, line 3 of Farmwald makes reference to "A simple method is for each master to maintain a bus-busy data structure, for example by maintaining two pointers, one to indicate the earliest point in the future when the bus will be busy and the other to indicate the earliest point in the future when the bus will be free, that is, the end of the latest pending data block transfer." (emphasis added)

Although the Examiner does not specifically so state, it seems that the Examiner is asserting that the limitations of claim 1 of "the first value including a plurality of bits indicating a beginning of usage of the bus and an ending of the usage of the bus for the transaction in terms of clock cycles" and the limitations of claim 10 of "a second value including a first plurality of bits for indicating a beginning of the first data on the bus and an ending of the first data on the bus in terms of the clock cycles" (emphasis added) read upon the text quoted from column 12, line 56 through column 13, line 3 of Farmwald in the previous paragraph. However, the Applicants respectfully contend that this cannot be so because "the first value" of claim 1 indicates both "a beginning of usage of the bus and an ending of the usage of the bus" and "a second value" of claim 10 indicates both "a beginning of the first data" and "an ending of the first data on the bus". In contrast, column 12, line 56 through column 13, line 3 of Farmwald teaches "maintaining two pointers, one to indicate the earliest point in the future when the bus will be busy and the other to indicate the earliest point in the future when the bus will be free" (emphasis added) Therefore neither "the first value" of claim 1 or "a second value" of claim 10 reads upon the "two pointers" of Farmwald. Accordingly, this section of Farmwald does not teach or suggest all the limitations of claim 1 or claim 10.

According to MPEP 2131 explaining the standards for anticipation (citing Federal Circuit cases), "the identical invention must be shown in as complete detail as is contained in the ... claim" (emphasis added) and "[t]he elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required". (emphasis added) The Applicants note the "two pointers" in column 12, line 56 through column 13, line 3 of Farmwald are something different than "request data packet 22" of column 9, lines 21-36 in Farmwald. Therefore, to comply with MPEP 2131 that "the elements must be arranged as required by the claim", the Examiner must consider these sections of Farmwald separately for what they teach, respectively, about

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the "two pointer" and the "request data packet 22" when determining if Farmwald discloses all the limitations of claim 1 and claim 10.

According to MPEP section 2131, "A claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) Because, according to MPEP section 2131 cited above, the sections of Farmwald cited by the Examiner do not teach or suggest "each and every element" as set forth in claim 1 and claim 10, claim 1 and claim 10 are not anticipated under 35 U.S.C. § 102(b) for at least this reason. Accordingly, the Applicants respectfully request withdrawal of the rejections of claim 1 and claim 10 under 35 U.S.C. § 102(b) based upon Farmwald.

Claims 2-6 are dependent upon claim 1, either directly or indirectly, and therefore incorporate by reference all the limitations of claim 1 and so are not anticipated by Farmwald for at least this reason. Therefore, the Applicants respectfully request withdrawal of the rejections of claims 2-6 under 35 U.S.C. § 102(b) based upon Farmwald. Claim 11 is dependent upon claim 10 and therefore incorporates by reference all the limitations of claim 10 and so is not anticipated by Farmwald for at least this reason. Therefore, the Applicants respectfully request withdrawal of the rejection of claim 11 under 35 U.S.C. § 102(b) based upon Farmwald.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 7-9 and 12 under 35 U.S.C. § 103(a) as obvious in view of Farmwald over United States Patent number 5,581,782, issued to Sarangdhar et al (hereinafter referred to as Sarangdhar). According to MPEP 2143, one element that must be met to make a valid prima facie obviousness rejection is that "the prior art reference (or references when combined) must teach or suggest ***all the claim limitations.***" Claims 7-9 depend indirectly upon claim 1 and therefore incorporate all the limitations of claim 1. Because Farmwald does not teach or suggest all the limitations of claim 1, a valid prima facie obviousness rejection of claims 7-9 has not been established for at least this reason. Accordingly, the Applicants respectfully request withdrawal of the rejections of claims 7-9 under 35 U.S.C. § 103(a).

Claim 12 depends indirectly upon claim 10 and therefore incorporates all of the limitations of claim 10. Because Farmwald does not teach or suggest all the limitations

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of claim 10, a valid prima facie obviousness rejection of claim 12 has not been established for at least this reason. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 12 under 35 U.S.C. § 103(a).

Objections to the Claims

The Examiner has objected to claims 13-15 as containing allowable subject matter but dependent upon a rejected base claims. The Applicants respectfully request that the objections to claims 13-15 be held in abeyance until a decision is made on the allowability of the rejected base claims.

Allowable Subject Matter

The Examiner has indicated that claims 16-21 are allowed.

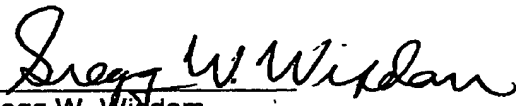
New Claims

Claims 22-34 have been added. Support for claims 22-34 can be found throughout the written description as originally filed.

Conclusion

The Applicants respectfully contend that the subject application is in a condition for allowance. Allowance is respectfully requested.

Respectfully submitted,
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